G. R. S. IX-5]

Previous references.

Delhi 76-1845 of 1919
G 770(a)-17 Dl-6. 1920.
(0/7 a)

Later references.

File No. 171-19

Serial Nos. 186

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 186

Part B for September 1920

SUBJECT.

Adoption of the Govt. of India rule in the matter of granting leave on continuation of vacations.

---

186. To. The Registrar Chief Court
No. 7 C 2273 M/20. 9. 1920
Intimates that there is no objection to treat the continued period of vacation & privilege leave as privilege leave [illegible]

2/

WD 2238—GPB—20,000—14-6-20

(For Disposal at a Meeting)

No. C. 388.

.....19.20

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause xiii of the schedule)

Proposal to adopt the Government of India Rule relating to the grant of leave in continuation of vacation to officials in the Department enjoying a vacation.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C S Balasundaram
Chief Secretary to Government.

.....27th January ...1920...

Extraordinary Member of Council.

4872-380
29-1-20.

First Member of Council. Opinion recorded
Seen
30.1.20

Second Member of Council. Seen.

29.8.4
31.1.20

Third Member of Council. Seen
2/2

G. R. S. III—1] 1919.

GENERAL AND REVENUE SECRETARIAT.

(~~Court~~) S+A

NOTES.

171

File No. ~~26~~ 19

FILE HEADING.

Treating the absent period of a clerk of the Chief Court as privilege leave in Continuation of the Summer Vacation.

From

The Registrar of the Chief Court of Mysore

R-B.C. Pets. No. 28 of 19-20 Dated 17/18th Oct 19 Received on 27-10-19

Diary No. 6589	Enclos. 1 , Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that a clerk of the Chief Court absented himself for 13 days after the reopening of the Court after working 9 days in the last annual vacation and requests that the whole period of the vacation viz. 13 days might be treated as privilege leave to which he was entitled —

NOTES AND ORDERS.

1) As the enclosed letter of the Offg. Comptroller makes it clear, Art 191 of the Mysore Service Regulations deals with such cases. To avoid the hardship caused on account of the strict application of that article, it is desired to have a Govt. Order dealing with such Special Cases on the model of the ruling provided

NOTES—First Sheet.

6584 ₹2

G. R. S. III-2]

General and Revenue Secretariat. | Cab File No. 98 of 1919.

Serial No.	
	by the Government of India
	Submitted for Orders
	2) The practice in the Education Department may perhaps be ascertained in the first instance. If approved the file will be sent to the E & A Secty for favour of a note on the part
	3) In favour of a note on the practice in the Edn Dept in similar cases
D 3144	E & A Secy) To m. 4/11

No copy of Service Regulations in Govt. India is available for submission in this office 9/11

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Ch File No. 98 of 1919.

Serial No.

Flag X

4) In the educational dept, the clerical and menial staff are not allowed to enjoy the periodical vacations and so these cases are covered by the ordinary rule in the M.S.R.

5) As regards leave on joining officers, Article 188 of the M.S.R allows them to draw their pay during privilege leave taken for a period bearing a certain proportion of the vacation to the number of days they may have been to work during the vacation.

6) As regards the officers overstaying the vacation, no cases are readily traceable but it seems that Article 191 does not prevent deduction the period of vacation and overstay beyond that being treated as Privilege leave to which the officer may be entitled, as the

NOTE—Contn. sheet.

6584

(5

G. R. S. III-2]

General and Revenue Secretariat. | Ch File No. 98 of 1919.

Serial No.

10) The recommendⁿ of the Chief Comm^r seems to be reasonable. The ruling laid down by the Govt of India may perhaps be adopted.

11) Draft orders.

Chief Secy — D. 11.
II Member — 20/11
Third Member — 20/11

1487-C9

D. 11.

12) The hardship referred to in the penultimate para of the Registration letter is obviated if in accordance with the rule in art. 204 M.S.R. the casual is treated as leave without allowances in continuation of Vacation.

13) There is also no objection to apply the C9 ruling referred to above if one of the Jerseys considered necessary. 18
D. 1. 1920

1774/5/1

Draft
6. 1. 20

Chief Secretary

8/1/20 3251
9-1-20

D. 11. 9/1

14) I think there is practically there is absolutely no reason why persons entitled to long vacation should not take periodical leave in continuation of their vacation. The Govt

NOTE—Contn. sheet.

(6)

6589

G. R. S. III-2]

General and Revenue Secretariat.

Ch File No. 98 of 1919.

Serial No.

DEWAN'S OFFICE.
Recd. on JAN 17 1920
Reg. No. 4769

7 India rule 4 all enquiries need may be adopted here. The Mysore C.S. Regulations being suitably amended

Ch

14/1

15) Rule amended in Council if the Dewan approves

Ch

14/1

Dewan

16) Ch 16/1/20

D.M. 16/1

17) No objn.

Ch

17-1-20

Ch

18) Circulate Ch 19/1/20

C.S. 20/1/20

D.M. 20/1

19) I am in favour of the rule being amended & brought into line with the corresponding rule in the C.S. VI.

Ch

30-1-20

20) I agree with the Finance member

Ch

2/2

NOTE—Contn. sheet.

C.388

7

Extract from the Proceedings of the 519th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 12th February 1920.

9. Subject. - Clause xiii of the schedule.

Proposal to adopt the Government of India rule relating to the grant of leave in continuation of vacation, to officials in the Departments enjoying a vacation.

Opinion of the Council.

The Government of India ruling may be adopted and the case dealt with accordingly.

The Mysore Service Regulations may be amended suitably.

(Signed) M. Kantaraj Urs,
Dewan of Mysore.

"EXTRACT"

C S Balasundaram Ayyar

Chief Secretary to Government.

WD 1148—GPB—1,000—23-12-18

WD.1233—G.P.B.—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

C.388

C5 File No. 98 of 1919.

8

Serial No.	
	24) To the Assistant Secretary, Branch III (Protection) for kindly submitting the file to the Second Member of Council with a draft Final Note.
	13/2/20
	22) Marco Amb upp ao 10.2.20 D.M. 13/2
C5 18/2	23) Submitted with a D.F.N. & D.S.N. as per orders above
	24/2/20 24/2 28/2
	24) Marco put his D.F.N. typed D.M. 2/3
3.B.	
C5 3/3	25) Submitted with a typed copy of D.F.N.
	3/3 3/3
4710 6.3.20	25) III Member D.M. 5/3
	W.P. wapped
	27) D.S.N. Submd.
	28 8/3/20 Dewan
	C.S. 8/3 29 D.M. 8/3

DEWAN'S OFFICE.
Recd. on MAR 9 1920
Reg. No. 6163

NOTE—Contn. sheet.

91)

Final Note by the Third Member of Council.

Subject:—

Proposal to adopt the Government of India Rule relating to the grant of leave in continuation of vacation to officials in the Departments enjoying a vacation.

---

305) According to a ruling of the Government of India, if an officer while absent on vacation is compelled (by illness or other cause) to apply for leave in continuation, the vacation and leave may be combined without reference to the minimum duration of six months.

S 31) 2. The Registrar, Chief Court, has brought to the notice of Government the necessity for having in the Mysore Service Regulations a provision similar to the above, since the strict application of Article 191 of the said Regulations would entail hardship in some cases. As an instance in point, he has referred to the case of a clerk of the Chief Court who having fallen ill in June last returned to duty 13 days after the reopening of the Court after the annual vacation, but who could not, under the rules, be granted privilege leave when he was allowed at the same time to enjoy the vacation.

32) Pages 5 of office Note

3. The Financial Secretary who was consulted in the matter stated that the hardship mentioned above could be obviated by treating the overstayal as leave without allowances under Article 204, Mysore Service Regulations, and that there was also no objection to adopt the Government of India ruling in the matter.

S 33) Pages 5 & 6 of

4. When the papers came to me, I noted upon the case as follows:-

" I think this is a great hardship. There is absolutely no reason why persons entitled to long vacation should not take privilege leave in continuation of the same. The Government of India Rule

10

is all right and may be adopted here, the Mysore Service Regulations being suitably amended."

Page 7 of Office Notes 34

5. The matter was considered at a meeting of the Council, and they are of opinion that the Government of India ruling may be adopted and the case dealt with accordingly and that the Mysore Service Regulations may be amended suitably.

6. The opinion of the Council may be graciously approved.

MEMBER OF COUNCIL.

8th March 1920.

Submitted to His Highness.

—•—

36) *I submit herewith a Final Note by the* Third *Member of Council on the subject of* the proposal to adopt the Government of India Rule relating to the grant of leave in continuation of vacation to officials in the Departments enjoying a vacation,
for His Highness' gracious approval.

9th March 1920

Dewan.

388

12)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Adoption of the Government of India rule in the matter of granting leave in continuation of vacations.

965

36) *Order.*

~~KRM~~

12/3/20

37) H-Leg

Legs

13.3.20

D 3083

C. 388 6589 h)

G. R. S. III-2]

General and Revenue Secretariat. | C/S File No. 98 of 1919-20

Serial No.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

38)

Circulated to the Members of Council for perusal of His Highness' orders ~~before~~ / ~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

C Balasundaram 3/3

Chief Secretary to Govt.

Through the Secretary to Government,

.....Department.

39)

FIRST MEMBER OF COUNCIL 4/3

38 16/8/20

40)

SECOND MEMBER OF COUNCIL

16.3.20

5-942-326 15-3-1920.

41)

THIRD MEMBER OF COUNCIL. 13/3

4981 13/3/20

NOTE—Contn. sheet.

42) This may be transferred to H Secty for issue of orders. 76. Secy)

43) D. 4/12/3 17/3/20

3843

(7)

14)

Serial No.

44) Dft. Issd.

Do 19.3.

45) Desp

18/20/3

TM 19/3

46) Done.

A & C Sdp to cancellation rule 27.3.20

2792 24/3

47) ✓ 18/27/

2 NWS

2) H. 7147—983—4—20—

H.Os. of Dept— sanctions the proposal to combine long leave with vacation without the minimum restriction of 6 months

45) Dft. A & C Issd.

Do 6/4.

49) Desp

TM 6/4

H. 7312—N.S.F.—4—20—

Directs A & C to act 19

N.1R

3) From the Chief Court Registrar— No 1501 & 11th June 1920 — Requests that the Order of 23 March does not apply to privilege leave of

NOTE—Contn. sheet.

3083 W86

(15)

[G. R. S. III-2]

General and Revenue Secretariat.

S & H File No. 71 of 191 ?

Serial No.

And requests therefore that if p leave cannot be combined with vacation, his revised request to treat the whole period of vacation and leave as p leave may be granted.

5) The Chief Court's proposal is either to permit the combination of p leave with vacation or to treat the whole period including vacation as p leave.

5-1) Regarding the first proposal, attention is invited to the III[x] Member's minute of 14/1/20 stating that "there is no reason as to why privilege leave should not be taken in continuation of vacation, that the India Govt's ruling is all right & may be adopted". But it is respectfully submitted that even under the Govt of India ruling (page 72 C.S.R. Madras Supplement), p leave and vacation cannot be combined. Vide Rs 3 & 8 &

as II[nd] there

5-2) Perhaps the simplified leave rules of the Govt of India may be awaited

NOTE—Contn. sheet.

22/6

W86

W9

G. R. S. IH-2]

General and Revenue Secretariat. | S & A File No. 171 of 1919.

Serial No.

53) The proposal of the Chief Court goes further than the G.I. rule, which has been recently adopted in the Store Both under the C.S.R. and the M.S.O. privilege leave, wherein a half pay Cannot be combined with Vacation.

54) I am not sure that it is very much advisable to depart from the financial rule.

The revising the leave rules is under consideration, and we have called for information as what the G.I. Govt are doing.

Leave rules are now mainly based on the G.I. regulations, & especially the Ch. Court may perhaps be considered alongwith the general question.

3865 24/6 J. Cosgrave 24/6

53) Vacation is treated as p.l. with a view to avoid the absentee to deduction of emoluments. A Vacation officer can get only half pay for furlough leave. It is not clear why this alternative shd to be used by the Chief Court. 26.6.20

28/6/20

18/8/20

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. 54A File No. 171 of 1919.

17)

Serial No.

56) Subd. If the official has worked during the vacation also, he will be entitled to privilege leave on full pay. It is not clear in whether the official has any such leave at his credit. If approved, the Chief Court will be consulted.

W 1/7/20 TSR 1/7

57) The Circuit proposal seems to be that in cases in which the an official will have at his credit privilege leave on full pay & having worked during vacation, he may enquire such leave for the whole period & claim other wise; the Vacation be followed & leave on half pay.

58) Put up a draft enquiring as per Secy's note & make the matter clear. S 1/7

59) Draft Subd W 2/7/20 TSR 2/7

60) Issue W 11.7.20

BANGALORE 16 JUL 1920

NOTE—Contn. sheet.

877 4686

(G. R. S. III-2)

General and Revenue Secretariat.

S 9A File No. 171 of 1919.

Serial No.	
4)	71:275 & 15=7=20 — To the chief court Registrar — Inquiries whether the official has sufficient privilege leave at his credit on full pay to cover the vacation & the subsequent absence.
5)	13.07 & 11=8=20 — Do in the same office — Replies in the affirmative
6)	The proposal is to treat the entire period of vacation and the subsequent absence as privilege leave on full pay to which the official is entitled. This seems to be no objection to this proposal. The Administrative Dept may be consulted. Submd with ref to the Finl Secy's note & 28/6 = 19/16
7)	19.8. (Secy)
8)	No objn. Please inform accordingly & comply
9)	

NOTE—Contn. sheet.

87

(19

G. R. S. III-2)

General and Revenue Secretariat. | Sft File No. 121 of 19

Serial No.

66) Dft. Invtd.

66) Please receive copies of the
self contained and explanatory
Comptr's letter Copy of which
has been sent by Chief
Cant. - Thereon Comptr
Cannot make out anything.

Rec'd 11/9

Dft. Invtd

66) Issue

Rec'd 13/9/30

6) F(222)3 R 29—30 —
To the chief wont — Intimate
there is no objection to
the entire period of
treat + vacation + p. leave as
p. leave as asked cant.

21/9

NOTE—Contn. sheet.

R.B.C Date: 28.4.19-20 Ref

6589

Chief Court of Mysore,

Bangalore, dated 17th October 1919.

1027

From

G. Srinivasa Iyer Esq., B.A., M.L.,

Registrar of the

Chief Court of Mysore.

To

C. S. Balasundaram Iyer Esq., B.A.,

Chief Secretary to the Government of Mysore,

B a n g a l o r e.

S i r,

I am directed to state that a clerk of this Court worked for 9 days during the last annual vacation and was then permitted to avail himself of the remaining portion of the vacation. He did not return to duty till 13 days after the reopening of the Court, and requested that as he fell ill at Tumkur about the beginning of June and was consequently unable to travel, the whole period of the vacation availed of by him and his subsequent absence may be treated as privilege leave to which he was entitled.

The Comptroller who was consulted in the matter seems to be of opinion that the claim is untenable, (Vide letter No.250 T.A.D.C. dated 5th September 19 copy of which is enclosed).

Cases of this kind in which officials in other departments enjoying a vacation are unavoidably compelled to take leave in continuation of vacation must be of frequent occurrence as in the Judicial Department, and the Judges are

of

of opinion that it is certainly a hardship that the whole period including vacation should be regarded as leave without allowances even though an official has at his credit sufficient privilege leave to cover the same.

In these circumstances, I am to request that Government may be pleased to order that in such cases the vacation may be regarded as privilege leave or allowed to be combined with such leave in conformity with the ruling of the Government of India referred to in the Comptroller's letter.

I have the honor to be,

S i r,

Your most obedient servant,

G Sammiasamy

REGISTRAR.

SK.

Letter No. 250/TAD.C. dated Bangalore, the 5th September 1919 from the officiating Comptroller to the Government of Mysore, to the Registrar of the Chief Court of Mysore.

In reply to your docket No. R.O.C.28/1919-20 dated 20th August 1919 re. the question of treating the whole period of the vacation and absence in continuation thereof as privilege leave, I have the honor to refer you to article 186 Mysore Service Regulations under which privilege leave can in no case be combined with vacation. I would however refer you to Article 191 in regard to how such cases of absence in continuation of vacation should be dealt with. would also observe that it is apparently to meet such cases that the Government of India have laid down a separate ruling as the strict application of article 191 of the Mysore Service Regulations would entail hardship. According to this ruling, if an officer while absent on vacation is compelled (by illness or other cause accepted by the Local Government) to apply for leave in continuation, the vacation and leave may be combined without reference to the minimum duration of 6 months. There are however no orders of Government for the adoption of this ruling in Mysore.

Sd/- T. Satyaraj Chetty,
Offg. Comptroller.

C O P Y.

REGISTRAR.

SK.

29/3

Orders are solicited on the marginal points — whether the order is to be treated S.O. etc.

Sd/
26/3.

Volumes

Issue a reply

Sd
31/3

Section S+A.
File No. 171-19
Serial No. 2

Proceedings of the Government of
His Highness the Maharaja of Mysore.

191

Read.—

Letter No. 288, 18th Oct. 1919 from the Registrar, Chief Court, bringing to the notice of Govt. the case of a clerk of the Chief Court who, having fallen ill in June 1919, returned to duty 13 days after the reopening of the Court after the vacation, but who could not under the rules be granted privilege leave when he was attacked at the same

over.

His Highness cannot grant such application of the rule in Art 191 and as an instance in point under which officers sent in vacation on departmental duty are prevented from obtaining any leave in anticipation of vacation for less than 6 months even in cases of illness when they are prevented from taking holidays after vacation by being bedridden or otherwise ill.

May this be

i Printed?
ii treated as a standing order?
iii published in the Gazette English part?
iv translated?
v placed at the disposal of the press?
vi published in the Gazette Kannada part?

Order Thereon:— No.

Sd/
31/3/1920

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(~~Continuation sheet draft form.~~)

(25

With ~~his~~ three separate

Draft Letg 27.3.20

18/ to Comptroller

Registrar, Chief Court,

& the Heads of Depts:

Copy to Chief Sectt

& Edn Sectt:

19/3

No. 7312-13
29 April/20
A. & G. W. S. R
IV Edition

7/4 G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

~~(Continuation sheet draft form.)~~

Do 8

Page 60 Art. 191.

Insert the following as a sub-para:-

But if an officer, while absent on vacation, is compelled (by illness or other cause accepted by the authority competent to sanction the leave) to apply for leave in continuation, the vacation & leave may be combined without reference to the minimum limit of duration laid down in clause (IV) of Art. 150.

No. 7316-7/9-4-20 8674/20
In final Key

Copy to comptroller & chief cont.

6/4.

6/4

DIARY No. 4486 (263)

1919 - 1920
Section S&A
File No. 171-19
Serial No. 3

1919-20.

CHIEF COURT OF MYSORE,

C. No: 1307/19-20.

Bangalore, dated 15th June 1920.

From

G. Sreenivasa Iyer Esquire, B.A.,M.L.,
Registrar of the Chief Court of Mysore,
Bangalore.

To

M.N. Krishna Rao Esquire, B.A.,
Financial Secretary to the Government of Mysore,
Bangalore.

Sir,

Adverting to the correspondence ending with the Government Order No: Fl.7147-96/S & A 171-19-2 dated the 3rd April 1920 sanctioning the proposal of this court regarding leave in continuation of the vacation, I am directed to state that what was proposed by this court was (1) that the whole period of absence viz the vacation availed of by the official and his subsequent absence may be treated as privilege leave, if there be sufficient privilege leave to his credit, or (2) that the period of absence in continuation of the vacation may under the circumstances be treated as privilege leave.

But the Government order and the addenda to Article 191 Mysore Service Regulations issued thereunder apply only to long leave which does not include privilege leave. If however vacation may not be combined with privilege leave, I am to request that

orders

(28

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,
( )
, *the* 191 .

Date of issue 15 July/20

Signed by W Meiburgh Chan

Section SA
File No. 171-19
Serial No. 4

No. Je 275

To

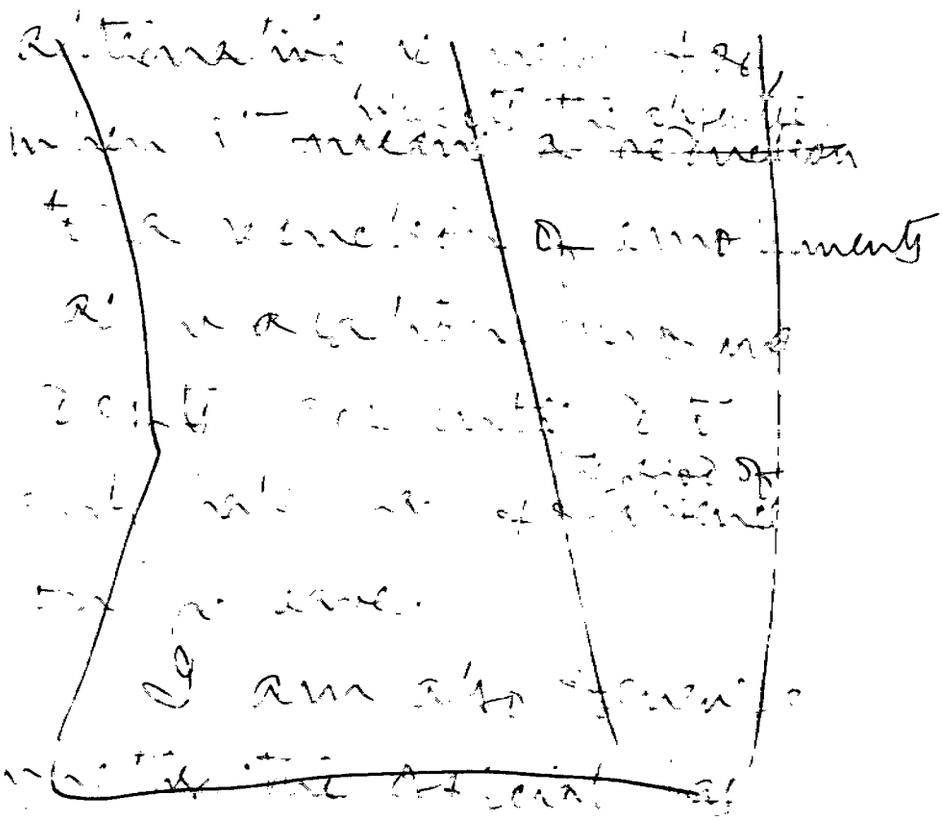
The Registrar,
Chief court.

Sir,

With reg to your letter
No 1307 & 17-6-20 requesting
that the vacation awarded
to an official of your
office together with the
period of subsequent absence
may be treated as privilege
leave, I am directed to
state enquire ~~why this~~

over.

1417



request you to kind
State if the recommendation
made in the last sentence of
your letter will not subject

List of enclosures

Copied by

Examined by

WD 53—GPB—60,000—15-11 18

C. No. 827

(30

1919-19
Section: S & A.
File No. 171-19

5589 Roc no 1307 CHIEF COURT OF MYSORE,
C. No.

Bangalore, dated 11th August 1920.

RECD 16 AUG 1920 Jud Sec

From

G. Sreenivasa Iyer Esquire, B.A.,M.L.,
Registrar of the Chief Court of Mysore,
B a n g a l o r e.

To

M. N. Krishna Rao Esquire, B.A.,
Financial Secretary to the Government
of Mysore,
B a n g a l o r e.

S i r,

Adverting to your letter No.275/S.& A. 171-19 dated the 15th July 1920 enquiring if the official referred to in my letter No. C.No.1307 of 1919-20 dated the 17th June 1920 has at his credit privilege leave on full pay to cover the whole period of vacation and the subsequent absence, I am directed to state that the official has such leave to his credit.

I have the honour to be,

S i r,

Your most obedient servant

G Sreenivasa Iyer

REGISTRAR.

AV.

(31

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, *the* 191 .

Date of issue 20/9/20

Signed by Asst. to Secretary

Seetion S & A

File No. 171-19

Serial No. b

No. H 2273

& 20 Sept 20

To The Registrar,

Chief Court

Sir,

With reference to correspondence ending with your letter No. 13078, 1-8-20 intimating that G.O. No. H 7147-96 | S & A. 171-19-28, 3-4-20 regarding leave in continuation of vacation applies only to long leave and ~~which does~~ not ~~include~~ privilege leave,

over.

Wh 2 15.9